

## **FISCAL NOTE**

### **HB 36 – SB 173**

February 1, 2007

**SUMMARY OF BILL:** Increases the penalty for knowingly assaulting a law enforcement officer while on duty from a Class A or Class B misdemeanor to a Class E felony.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$1,100,900 / Incarceration\***

**Decrease Local Govt. Expenditures – Exceeds \$100,000**

**Decrease Local Govt. Revenues – Less than \$100,000**

Assumptions:

- According to the Tennessee Bureau of Investigation, there were approximately 1,500 simple assaults against law enforcement officers during 2005. The Department of Correction (DOC) assumes that 10 percent (150) of those assaults would have resulted in a Class E felony conviction under this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years.
- 150 offenders will be convicted of a Class E felony for the offense of knowingly assaulting a law enforcement officer while on duty in the first year. Population growth of 1.09 percent per year will result in 17 additional offenders in the tenth year as a result of this bill.
- 167 offenders will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional operating cost for 167 offenders per year is \$1,100,919.11 (\$6,592.33 x 167).

- Local governments will have a decrease in expenditures and revenues associated with misdemeanor offenses that will now be prosecuted as Class E felony offenses.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director